

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

DOCKET # 98-018
COPY ORIGINAL

In the Matter of)
)
Advanced Television Systems) RM-9260
and Their Impact upon the)
Existing Television Broadcast)
Service)

RECEIVED

MAY 22 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

**COMMENTS OF
NATIONAL MINORITY T.V., INC.**

National Minority T.V., Inc. ("NMTV") hereby submits its Comments concerning the Petition for Rulemaking filed by the Community Broadcasters Association ("CBA") in the above-referenced proceeding, RM-9260, released April 21, 1998.

1. NMTV is a nonprofit non-stock minority owned company which is the licensee of television Station KNMT(TV), Channel 24, Portland, Oregon and the licensee of numerous television translator stations located throughout the country. Three of NMTV's four directors are minorities - two African Americans and one Hispanic American. Moreover, NMTV's President (and director) is a female as well as an African American. NMTV is one of a small number of minority owned licensees in this country.

2. As a minority-owned entity, NMTV has been committed to operating its translator stations to serve minority viewers. As the Commission is aware, LPTV/TV translator stations are the service with the highest minority ownership, and they primarily serve communities that would otherwise not receive local broadcast service. Under the Commission's current digital

No. of Copies rec'd
List ABCDE

24

television allotment plan, the displacement of LPTV/TV translator stations severely threaten the industry's future. The Commission should not allow the unique and necessary voice provided by LPTV/TV translator stations to be silenced.

3. NMTV supports CBA's proposition of creating a Class A service that would give qualified LPTV/TV translator stations primary spectrum user status against all later authorized full power and low power television stations. Granting Class A protection will serve the Commission's goal of a smooth transition from analog to digital broadcast service. The Commission should, however, broaden the scope of applicants who would qualify for Class A status. Under CBA's proposal, an LPTV/TV translator station could apply for Class A status within one year of the effective date of the new service class. An applicant would qualify by showing, among other things, that for the three months prior to the application it aired at least three hours of local programming each calendar week.

4. Because of the financial burden associated with local program production, especially in areas where the communities served are relatively small, NMTV proposes to allow applicants a slightly longer period of time to provide three hours of local programming per week. For instance, NMTV has ties with local groups in a number of the communities in which it operates stations, and those local groups have expressed the desire to work with NMTV in producing local programming. A longer lead time in arriving at the three hour minimum would facilitate this objective. Thus, an applicant would qualify as a Class A station if it shows it is providing one hour of local programming each week within one year of the effective date of the rule, two hours of programming per week within two years of the effective date, and three hours of local programming per week by the third anniversary of the effective date. The applicant would also have to certify that it has complied with all other requirements applicable to TV


-3-

broadcast stations under Part 73 of the Commission's Rules, except as limited by the station's power level. By allowing a gradual increase in the number of local programming hours that must be aired per week, LPTV/TV translator stations will be able to make the transition to digital operation with minimal disruption, allowing it to focus on building contacts within the community and continuing to create programming that best serves the needs of its audience.

In sum, NMTV urges the Commission to consider the irreplaceable service provided by LPTV/TV translator broadcasters in its determination of creating a new Class A television service, so as not to adversely affect minorities and small broadcasters.

Respectfully submitted,

NATIONAL MINORITY T.V., INC.

By: 
Jane Duff
President

FISHER WAYLAND COOPER
LEADER & ZARAGOZA L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20554
(202) 659-3494

Dated: May 22, 1998

J:\DATA\CLIENTS\06710471000P.020

CERTIFICATE OF SERVICE

I, Margie Sutton Chew, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., do hereby certify that true copies of the foregoing **"COMMENTS OF NATIONAL MINORITY T.V., INC."** were sent this 22nd day of May 1998, by hand-delivery to the following:

Roy J. Stewart, Chief
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W.
Room 314
Washington, D.C. 20554

Keith Larson
Assistant Chief for Engineering
Mass Media Bureau
1919 M Street, N.W.
Room 314
Washington, D.C. 20554



Margie Sutton Chew